REMARKS/ARGUMENTS

Claims 11, 14, 16 and 20 have been amended. Claims 12, 15, 21 and 22have been canceled and claims 23 and 24 depending upon claim 11 have been added. These changes improve the claims.

Claim 11 has the limitation:

> the at least one light source that illuminates the substrate at the lighting area includes means for effecting at least one modulation of at least one of intensity and color of the illuminating light during simultaneous or sequential scanning of at least two of the register marks.

As noted in Applicant's specification, the paragraph at page 3, third full paragraph (this paragraph also appearing in Applicant's Preliminary Amendment)

> ...an aim of the invention is to have "a light source for which one alternatively modifies the color and/or the intensity"...

See the following and the following paragraph of the invention:

> The modulation of the light source generates an alternation of colors and/or intensity and allows to obtain a lighting colors cycle arranged...

See also the first full paragraph at page 4 of the specification.

As noted at the end of the carry over paragraph at page 5:

> ...a microprocessor 9 which allows in particular to control the lighting of the sources according to a registered mode...

and in the following first full paragraph at page 5:

> ...the light of one of the light sources, the latter having lighting sequences controlled in time and duration according to the selected mode into the microprocessor 9.

In the final paragraph at page 6, it is noted:

> ...when needed, lighting intensity changes can easily replace colors alterations without modifying the scanning...

The specification as noted and original claim 1, replaced by claim 11, all support the element of claim 11 quoted above.

It is submitted that the prior art considered individually or in combination does not show, suggest or make obvious a claim 11 or any of the other claims which are dependent upon claim 11, which recite the element described above.

Claims 11-22 were all rejected under 35 U.S.C. § 103 over Monney in view of Kiyomoto.

Accepting, for the purpose of this discussion of the section 103 rejection, the description of the teachings of Monney in the Office Action, Applicant notes, at the first paragraph at page 2 of the Office Action, the Examiner's acknowledgment that Monney does not disclose a microprocessor connected with at least one of the light sources for controlling the lighting of the light source and/or for controlling the electric pulses produced by the pixels. The Examiner cites that Kiyomoto at Figure 49 and computer 34 as suggesting the feature acknowledged to be missing from Monney and says that the feature of Fig. 49 of Kiyomoto could obviously be combined with Monney to render claim 11 obvious. Applicant respectfully disagrees.

First, the disclosure and invention of Kiyomoto generally have nothing to do with the subject of Applicant's claim 11 namely "A scanning device for scanning register marks printed on a substrate." As Kiyomoto describes throughout its lengthy specification, it is concerned with a dichroic mirror for separating/synthesizing light..., and the bulk of the Kiyomoto specification and drawings are concerned with those functions, not with a scanning device for scanning register marks printed on a substrate. After disclosing the dichroic mirror apparatus, which is not relevant to Applicant's invention, there are two portions of the Kiyomoto specification which, when seen clearly show that Kiyomoto is irrelevant to the present invention and does not disclose or suggest the element of claim 11 described above.

One of the applications for Kiyomoto's invention appears in the specification at col. 15, lines 62 - col. 16, line 30 and refers to Figure 36. That embodiment uses a dichroic mirror, as that is what Kiyomoto's invention concerns. The light from the sources is projected onto an object and is then detected. The essence of that particular embodiment is the results achieved by having different light sources aimed at the target, that is, what a dichroic mirror deals with. There is no suggestion of Applicant's claimed "means for effecting at least one modulation of at

least one of intensity and color of the illuminating light..." in the specification description of the application of Fig. 36 of Kiyomoto.

We next move to the application or embodiment of Fig. 49 described in the specification of Kiyomoto at col. 19, lines 4-13. The description begins:

> Fig. 49 shows an example in which the present invention is applied to a color image scanner.

A color image scanner is different from what Applicant's invention of claim 11 concerns. Instead, Applicant's invention concerns "A scanning device for scanning registered marks printed on a substrate." Hence, the application of Kiyomoto Fig. 49, to which the Examiner refers, has nothing to do with the subject matter of the present invention. It would not be obvious to one of skill in the art to take teachings related to a color image scanner and apply them to a scanner for scanning register marks on a substrate. It is submitted that the Monney and Kiyomoto references are themselves in non-analogous arts and especially with respect to the problem addressed by the present invention and solution thereof, one of skill in the art would not look to the description of the particular embodiment in Fig. 49 of Kiyomoto for teachings relevant to the present invention or teachings relevant to the detector for detecting items on a web disclosed in the Monney reference.

But, Kiyomoto continues the description of Fig. 49 at col. 19, lines 11-13:

> ...information is sent to a computer 34. The computer 34 controls a light source 35 <u>on the basis of the scanned result supplied thereto</u> and records a color image...

Kiyomoto's computer 34 reacts to the scanned result and controls the light source based on the scanned result. This is significantly different from Applicant's "means for effecting at least one modulation of at least one of intensity and color of the illuminating light during...scanning of ...the register marks." Applicant's means, illustrated as but not restricted only or entirely to the microprocessor 9 and equivalents, does not control the light source on the basis of a scanned result, but rather provides the modulation for the purpose of making the scan, not as a reaction to the scan. The microprocessor in Applicant's claim 11 is connected with the light source and is part of the means for effecting the modulation.

As shown in Fig. 49 of Kiyomoto, the computer controlled light source 35 is operative for recording an image on a recording material 37. Applicant's modulated light source does not

record an image, does not act on a recording material, but rather scans the image so that the image, not the light source, may be detected. Kiyomoto has nothing to do with the invention of claim 11 in the present application.

In summary, since Kiyomoto is not concerned with the subject of Applicant's invention, and since Kiyomoto's Fig. 49 does not provide modulation as claimed by the Applicant, but rather has a computer that reacts to the scanned image, and the adjusted light source is not used to scan a subject, but rather to record a color image, Kiyomoto has no suggestion of the element of Applicant's claim 11 referred to above and there is also no way to use Kiyomoto or combine Kiyomoto into Monney, whereby Claim 11, et al. are not obvious.

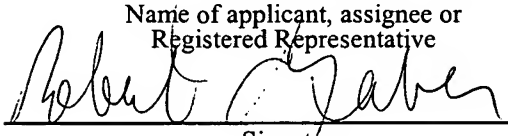
It is noted that the Examiner has considered all of Applicant's claims in detail, and that is appreciated. But with respect to all of the claims, there is no relevant teaching in Kiyomoto of a microprocessor connected with a light source for controlling the lighting of the light source, modulated as Applicant has recited in claim 11 and with the light source provided for the purpose recited in claim 11.

Applicant attaches two Abstract of two Japanese patents that were cited by the Japanese Patent Office against the corresponding Japanese patent application. Those English language Abstracts do not show or suggest any structure of the type which modulates at least one of intensity and color of the illuminating light during scanning of register marks or a microprocessor connected with the light source of a scanning device.

In view of the amendments to the claims, which clarify the claim scope and the foregoing remarks and the inapplicablility of Kiyomoto as a reference rendering the claims of the present application obvious, it is submitted that all of claims 11, 13, 14, 16-20, 23 and 24 in the application are allowable.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 31, 2005:

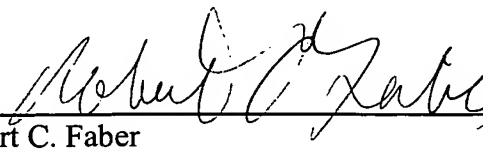
Robert C. Faber
Name of applicant, assignee or Registered Representative



Signature

October 31, 2005
Date of Signature

Respectfully submitted,



Robert C. Faber
Registration No.: 24,322
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

RCF:mjb